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receiving authorization from a claim handler to execute at least one payment of the selected at least one line item of said insurance related claim.

REMARKS

In the office action mailed March 17, 2003, Claims 1- 3, 5-9, 11-17, 19-23, 25-31, 33-37, and 39-55 are rejected under 35 USC §103(a) as being unpatentable over Borghesi et al. (hereinafter "Borghesi") in view of McLaughlin et al (hereinafter "McLaughlin"). Claims 10, 24 and 38 are rejected under 35 USC §103(a) as being unpatentable over Borghesi and McLaughlin as applied to the claims above, and further view of DiRienzo et al.

In the rejection of the claims, it is suggested in the office action that Borghesi teaches accessing various databases of authorized vendors, and accessing vendor data associated with the list of authorized vendors (col. 12, lines 44-58). It is further suggested that each database inherently has a vendor, and each vendor inherently is authorized since it is in the computer. It is also noted in the Office Action that Borghesi does not explicitly disclose (i) receiving a selection of at least one vendor from a list of authorized vendors, and (ii) displaying a list of excluded vendors. McLaughlin et al. (US Publication No. 2001/0011222A1) has been cited for disclosing vendors "as authorized vendors (p. 10, paragraph 0142) and lists of excluded vendors (p.11, paragraph 0163)."

In response, Applicants disagree with the characterization of the Borghesi reference. Col. 12, lines 44-58 of Borghesi relate to creating or editing an estimate, where several databases are accessed automatically. These databases, such as an OEM part database, a recycled part/salvage part database, a labor cost database, an aftermarket part database, are all accessed to generate an estimate of repairs to a vehicle, or different estimates based upon the types of replacement products that are used. These databases do not represent excluded and authorized vendors, are not accessed to select a particular vendor.

However, Applicants have further amended the claim to more clearly distinguish Applicants' invention over the cited art. In particular, Applicants have amended each independent claim to indicate that the line items relate to "an insurance related claim." McLaughlin is not directed to evaluating insurance related claims, and does not even

address line item data. Rather, McLaughlin is directed to a integrated procurement management system using a public computer network. Applicants respectfully submit that any combination of the references would not lead to Applicants' invention as claimed.

Referring specifically to Applicants' invention, as set forth in claim 1 for example, a method of evaluating line item data of an insurance related claim to enable the selection of an authorized vendor, and receive authorization from a claim handler to execute payment of a selected line item of the insurance related claim is claimed. The claims include numerous limitations which are clearly neither disclosed nor suggested in Borghesi nor McLaughlin. Applicants respectfully submit that neither Borghesi nor McLaughlin, discloses or suggests any of the following elements recited in claim 1:

accessing a database of excluded vendors and authorized vendors to fulfill said insurance related claim;

displaying a list of authorized vendors and a list of excluded vendors that correspond with the at least one line item, wherein the authorized vendors are from the group consisting of vendors with a preferred status, franchised vendors, or vendors that allow an upgrade;

receiving a selection of at least one vendor from the list of authorized vendors to fulfill said insurance related claim; and

receiving authorization from a claim handler to execute payment of the selected at least one line item of said insurance related claim. (Emphasis added).

Emphasis has been added to more clearly show that claim 1 clearly distinguishes over the cited references. It should be noted that the other independent claims include similar limitations as claim 1. The databases referred to in Col. 12, lines 44-58 of Borghesi are clearly not databases of excluded vendors or authorized vendors, but merely provide prices for various types of replacement parts to generate an estimate of a repair. In addition to failing to make any distinction between authorized and excluded

vendors, Borghesi fails to disclose authorized vendors from the group consisting of vendors with a preferred status, franchised vendors or vendors that allow an upgrade. McLaughlin fails to disclose any aspect of fulfilling an insurance related claim. Neither reference discloses displaying a list of vendors including vendors that allow an upgrade. Accordingly, Applicants submit that any combination of the references would not lead to Applicants' invention as claimed.

In response to the rejection of claims 10, 24 and 38 under 35 USC §103(a) is being unpatentable over Borghesi in view of McLaughlin and DiRienzo et al., Applicants respectfully submit that these dependent claims are believed allowable for the same reason that the independent claims are allowable as set forth above.

Applicants respectfully submit that the claims as amended are in a condition for allowance, and request passage to allowance at the earliest possible date.

Respectfully submitted,



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MARKED UP COPY OF CLAIMS SHOWING CHANGES MADE

IN THE CLAIMS:

1. (Four Times Amended) A method of evaluating line item data, the method comprising the steps of:

displaying at least one line item of an insurance related claim;
accessing a database of excluded vendors and authorized vendors to fulfill said insurance related claim;
displaying a list of authorized vendors and a list of excluded vendors that correspond with the at least one line item, wherein the authorized vendors are from the group consisting of vendors with a preferred status, franchised vendors, or vendors that allow an upgrade;
accessing vendor data associated with the list of authorized vendors and the list of excluded vendors;
receiving a selection of at least one vendor from the list of authorized vendors to fulfill said insurance related claim; and
receiving authorization from a claim handler to execute payment of the selected at least one line item of said insurance related claim.

15. (Four Times Amended) A system for evaluating line item data, comprising:
a processor for executing programs; and
a memory for storing a program executable by the processor, the stored program including instructions for (i) displaying at least one line item of said insurance related claim; (ii) accessing a database of vendors having a list of authorized vendors and a list of excluded vendors to fulfill said insurance related claim; (iii) displaying the list of authorized vendors and the list of excluded vendors that correspond with the at least one line item, wherein the authorized vendors are from the group consisting of vendors with a preferred status, franchised vendors, or vendors that allow an upgrade; (iv) accessing vendor data associated with the list of authorized vendors and the list of excluded vendors; (v) receiving a selection of at least one vendor from the list of authorized vendors to fulfill said insurance related claim; and (vi) receiving

authorization from a claim handler to execute payment of the selected at least one line item of said insurance related claim.

29. (Four Times Amended) A computer readable medium containing instructions for controlling a computer system to perform a method for evaluating line item data, the method comprising:

displaying at least one line item of an insurance related claim;

accessing a database of excluded vendors and authorized vendors to fulfill said insurance related claim;

displaying a list of authorized vendors and a list of excluded vendors that correspond with the at least one line item, wherein the authorized vendors are from the group consisting of vendors with a preferred status, franchised vendors, or vendors that allow an upgrade;

accessing vendor data associated with the list of authorized vendors and the list of excluded vendors;

receiving a selection of at least one vendor from the list of authorized vendors to fulfill said insurance related claim; and

receiving authorization from a claim handler to execute payment of the selected at least one line item of said insurance related claim.

44. (Three Times Amended) A method of evaluating line item data, the method comprising the steps of:

displaying at least one line item of an insurance related claim;

accessing a database having a list of excluded vendors and authorized vendors to fulfill said insurance related claim;

comparing the list of authorized vendors and the list of excluded vendors with the at least one line item, wherein the authorized vendors are from the group consisting of vendors with a preferred status, franchised vendors, or vendors that allow an upgrade;

displaying vendor data on the availability of the upgrade for the at least one line item;

receiving a selection of at least one vendor from the list of authorized vendors that corresponds with the at least one line item to fulfill said insurance related claim; and

receiving authorization from a claim handler to execute at least one payment of the selected at least one line item of said insurance related claim.